

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

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THIRTEENTH DAY — TUESDAY, JULY 19, 2005

The house met at 11 a.m. and, at the request of the speaker, was called to order by Representative Dutton.

The roll of the house was called and a quorum was announced present (Record 75).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Driver; Smithee.

Absent — Laubenberg.

The invocation was offered by Rusty Bullerman, Great Hills Baptist Church, Austin, as follows:

Gracious God, our Heavenly Father, we thank you for the many blessing you have granted us in this nation and in this state. We thank you this day for the privilege we have of being free to govern ourselves. I thank you for this legislative body that has taken the responsibility to perform the legislative tasks so vital to self-governance. We ask your continued blessing and benevolence on our great nation, which you have made great, and our state.

As this body convenes today, I ask you to guide the process and discussions concerning the issues that will be addressed. May the discussions and debates be forthright without rancor. May the issues be thoroughly thought through. May a spirit of compromise and cooperation be dominant here. May the solutions created be the best and for the common good.

We ask for your protection and blessing on the families and loved ones who remain at home during the session. Place your hand upon them and may your guidance be available as they face the events of the day.

We ask your continued guidance of our state leadership and workers as they guide our government from day to day. Provide them with your wisdom and insight. These things we ask in the mighty name of your son, Jesus. Amen.

The chair recognized Representative Gattis who led the house in the pledges of allegiance to the United States and Texas flags.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business:

Smithee on motion of Hunter.

### **HR 375 - ADOPTED (by Dukes)**

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 375**.

The motion prevailed.

The following resolution was laid before the house:

**HR 375**, Congratulating the UT women's track and field team on winning the 2005 NCAA Outdoor Track and Field Championship.

**HR 375** was read and was adopted.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 375** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Dukes who introduced members of The University of Texas women's track and field team and Coach Beverly Kearney.

### **HR 300 - READ (by Goolsby)**

The chair laid out and had read the following previously adopted resolution:

**HR 300**, Honoring Garrett Mullen of Dallas for his heroism.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Goolsby who introduced Garrett Mullen, Whitney Alexander, and their families.

**HR 300 - MOTION TO ADD NAMES**

On motion of Representative McClendon, the names of all the members of the house were added to **HR 300** as signers thereof.

(Edwards in the chair)

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 4).

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 197** (by Castro), Honoring Zachery Ryan Olson of San Antonio on attaining the rank of Eagle Scout.

**HR 198** (by Castro), Honoring Joshua Troy Rathbun of San Antonio on attaining the Eagle Scout insignia.

**HR 205** (by Craddick), Honoring Desiree Childs of Lamesa on her receipt of the High-Academic Achievement Award.

**HR 206** (by Craddick), Congratulating Herman and Velera Jones of Midland on their 50th wedding anniversary.

**HR 207** (by Craddick), Honoring Jerry and Peggy Hertel of Midland on their 50th wedding anniversary.

**HR 208** (by Craddick), Honoring Loren and Bobbie Roberts of Abilene on their 50th wedding anniversary.

**HR 209** (by Craddick), Honoring Leroy and Evelyn Stewart of Midland on their 55th wedding anniversary.

**HR 211** (by Hughes), Congratulating Jean Perry Birmingham of Marshall for being named the 2005 Top Lady of the Year by the Marshall chapter of the Top Ladies of Distinction.

**HR 212** (by Hughes), Honoring George and Maxine Nafe of Mineola on their 50th wedding anniversary.

**HR 217** (by Escobar), Commending Mayor Carlos Cantu of La Feria on his years of service to the city.

**HR 218** (by Branch), Congratulating the Highland Park High School girls cross country team on winning the state championship title.

**HR 219** (by Branch), Congratulating Carly Bender of Dallas for winning the 2005 Junior Texas State Grand Twirling Championship and recognizing July 20-26, 2005, as National Baton Twirling Week in Texas.

**HR 222** (by Bonnen), Honoring executive director A. J. "Pete" Reixach, Jr., on his 20th anniversary with Port Freeport.

**HR 223** (by J. Jones), Honoring Alden Williams of Lancaster on receiving the 2005 Future African American Leadership Award from the Texas Legislative Black Caucus.

**HR 224** (by J. Jones), Honoring Kenneth Ennis of Lancaster on his receipt of a 2005 Future African American Leadership Award from the Texas Legislative Black Caucus.

**HR 225** (by J. Jones), Honoring Deralyn Riles Davis on receiving an Outstanding Texan Award from the Texas Legislative Black Caucus.

**HR 226** (by J. Jones), Honoring DeMetris Sampson of Dallas on her receipt of a 2005 Outstanding Texan Award from the Texas Legislative Black Caucus.

**HR 227** (by J. Jones), Honoring Willie F. Cornelius of Dallas for her receipt of a 2005 Outstanding Texan Award from the Texas Legislative Black Caucus.

**HR 228** (by J. Jones), Honoring Coach Ellis Davis, Jr., and Betty Joe Davis of Dallas for their receipt of a 2005 Outstanding Texan Award by the Texas Legislative Black Caucus.

**HR 229** (by J. Jones), Honoring Judge Cleophas Steele, Jr., and Barbara Steele of Dallas for their receipt of a 2005 Outstanding Texan Award by the Texas Legislative Black Caucus.

**HR 234** (by Hughes), Congratulating Mary Lookadoo, superintendent of Mineola ISD, on being named the Region VII Superintendent of the Year for 2005.

**HR 235** (by Hughes), Congratulating Malcolm and Margaret Wright on their 50th wedding anniversary.

**HR 236** (by Hughes), Congratulating L. E. and Rosa Rosenbalm on their 60th wedding anniversary.

**HR 237** (by Hughes), Congratulating George and Ruby Bickerdike on their 50th wedding anniversary.

**HR 247** (by McCall), Honoring Donna Harrington of Plano on her 105th birthday.

**HR 248** (by Hughes), Honoring R. T. Bridges of Quitman on the occasion of his retirement as city secretary.

**HR 251** (by Bailey), Congratulating Larry Ponder of Austin on his appointment as assistant pastoral care minister of Buckner Villas retirement community.

**HR 252** was previously adopted.

**HR 254** (by Hughes), Congratulating Dusty Mercer of Waskom on being named an All-American Scholar by the United States Achievement Academy.

**HR 255** (by Hughes), Honoring Tom and Patsy Boyd of Mineola on their 50th wedding anniversary.

**HR 257** (by Hopson), Honoring Robert Nichols for his exemplary service on the Texas Transportation Commission.

**HR 260** (by Branch), Honoring the Highland Park High School boys' golf team on winning the Class 4A state championship.

**HR 261** (by Branch), Congratulating Amy Bedell and Katelyn McKenzie of Highland Park High School on winning the doubles tennis state championship.

**HR 264** (by Branch), Honoring Rachel Paige Harrell of Dallas on being named to the 2004-2005 National Dean's List.

**HR 265** (by Craddick), Honoring Leah and Robert H. Angevine of Midland on their 60th wedding anniversary.

**HR 266** (by Craddick), Honoring Jack and Barbara Cartwright of Midland on their 50th wedding anniversary.

**HR 267** (by Craddick), Honoring Don and Beverly Hermanson of Midland on their 50th wedding anniversary.

**HR 268** (by Craddick), Honoring Carl and Alice Williams of Midland on their 50th wedding anniversary.

**HR 269** (by Craddick), Honoring Robert and Edith Garst of Midland on their 65th wedding anniversary.

**HR 270** (by Craddick), Honoring Calvin and Helen Bryant of Midland on the occasion of their 50th wedding anniversary.

**HR 272** (by Guillen), Congratulating Miguel Garcia, Jr., on being named valedictorian of San Isidro High School.

**HR 273** (by Guillen), Congratulating April Garza on being named salutatorian of San Isidro High School.

**HR 274** (by Guillen), Congratulating Steven Trevino on being named the third-ranked member of San Isidro High School's Class of 2005.

**HR 275** (by Guillen), Congratulating Lee Roy Calderon on being named valedictorian of Rio Grande City High School.

**HR 276** (by Guillen), Congratulating Adrian Sandoval on being named salutatorian of Rio Grande City High School.

**HR 277** (by Guillen), Congratulating Victor Villarreal on being named the third-ranked member of Rio Grande City High School's Class of 2005.

**HR 278** (by Guillen), Congratulating Cristina Barrera on being named the third-ranked member of Roma High School's Class of 2005.

**HR 279** (by Guillen), Congratulating Claudia Leal on being named valedictorian of Roma High School.

**HR 280** (by Guillen), Congratulating Abraham Pena on being named salutatorian of Roma High School.

**HR 281** (by Anchia), Honoring the Cathedral of Hope in Dallas on the 35th anniversary of its founding.

**HR 284** (by Merritt), Recognizing Lieutenant General Bruce Carlson as the honorary balloonmeister of the 2005 Great Texas Balloon Race.

**HR 285** (by Merritt), Honoring Betty and Oliver "Mack" McClain of Longview on their 50th wedding anniversary.

**HR 286** (by Merritt), Honoring Odus and Lena Mae Sitton of Lindale on their 65th wedding anniversary.

**HR 287** (by Merritt), Honoring Virgil and Dell Newsom of White Oak on their 50th wedding anniversary.

**HR 288** (by Merritt), Congratulating Bill and Annette Story of Lindale on their 50th wedding anniversary.

**HR 289** (by Merritt), Congratulating Don and Mildred Nesbett of Longview on their 50th wedding anniversary.

**HR 290** (by Farabee), Congratulating Sergeant Glenn Barham on his retirement from the Wichita Falls Police Department.

**HR 291** (by Hopson), Congratulating Dr. Floyd Verheyden of Jacksonville on his 90th birthday.

**HR 292** (by Hughes), Congratulating Katie Elizabeth Mannis on being named Queen of the 68th East Texas Yamboree.

**HR 294** (by Gallego), Honoring Whitney Boyce of Utopia on her receipt of the 2005 Future Entrepreneur Award from the National Association for the Self-Employed.

**HR 295** (by Gonzalez Toureilles), Honoring U.S. Marine Lance Corporal Steven Kelly Schulz of Karnes County for his service to his country.

**HR 301** (by Quintanilla), Honoring Charles and Mary Joyce Ivey of Tornillo on their 50th wedding anniversary.

**HR 303** (by Crownover and Seaman), Honoring David E. Smithkey, president-elect of the National Association of Insurance and Financial Advisors, on the occasion of his visit to the Lone Star State.

**HR 304** (by Chavez), Honoring Anthony Duncan of El Paso on the 20th anniversary of the opening of his restaurant, Hudson's Grill.

**HR 305** (by Hilderbran), Honoring Richard A. Turner of Brady for his heroism in Vietnam and congratulating him on his receipt of the Bronze Star Medal with "V" Device.

**HR 306** (by Zedler), Honoring Trisha Lynn Slaughter on her graduation from Texas State University.

**HR 308** (by Guillen), Honoring Oralia Espinoza Cantu for her service to the Freer community and to the State of Texas.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 192** (by Woolley), In memory of Nancy Keith Wencke Crouch of Houston.

**HR 210** (by Hughes), In memory of Martha Louise Raynes of Mineola.

**HR 213** was previously adopted.

**HR 233** (by Hughes), In memory of U.S. Army Specialist Eric Poelman.

**HR 256** (by Hodge), In memory of Dorothy Mae Jones Day.

**HR 263** (by Anchia), Honoring the victims of the July 7, 2005, terrorist bombings in London, England.

**HR 293** (by Escobar), In memory of Tommie G. Moralez of Falfurrias.

**HCR 15** was previously adopted.

**HCR 16** was previously adopted.

**HCR 17** was previously adopted.

**HCR 19** (by Craddick), In memory of Patricia Warren Innerarity of Midland.

**HCR 20** was previously adopted.

**HCR 23** (by Craddick), In memory of Ralph H. Viney of Midland.

The resolutions were unanimously adopted by a rising vote.

### INTRODUCTION OF GUESTS

The chair recognized Representative Taylor who introduced Lauren Lanning, Miss Texas USA, and Taylor Lanning, Miss Houston Teen USA.

(Dutton in the chair)

### RESOLUTIONS ADOPTED

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 335, HR 336, HR 338, HR 339, HR 341, HR 347, HR 348, HR 353, HR 354, HR 363 - HR 369, HR 371 - HR 374, HR 376 - HR 378, HR 380 - HR 402, HR 406, HR 409 - HR 425, HR 428 - HR 431,** and **HCR 30.**

The motion prevailed.

The following resolutions were laid before the house:

**HR 335** (by Escobar), Honoring Gary Andrew Starr and Noemi Ramirez Starr of Falfurrias on the occasion of their 50th birthdays in September 2005.

**HR 336** (by Chavez), Commemorating the 2005 Crawford/Hurley family reunion.

**HR 338** (by Craddick), Honoring John and Lena Ochsner of Midland on their 50th wedding anniversary.

**HR 339** (by Craddick), Congratulating John and Mary Lou Midkiff of Midland on their 50th wedding anniversary.

**HR 341** (by J. Jones), Recognizing the observance of the National Night Out event in Southeast Dallas on August 2, 2005.

**HR 347** (by Farabee), Honoring Bessie L. Taylor of Wichita Falls on her 105th birthday.

**HR 348** (by Alonzo), Commemorating the Dallas observance of National Night Out 2005.

**HR 353** (by Chisum), Honoring Dr. Robert Alexander for his 40 years of service to the Friona community.

**HR 354** (by J. Jones), Commending the Honorable Paul B. Ragsdale of Dallas for his exceptional public service.

**HR 363** (by R. Cook), Honoring St. Mary's Our Lady of Lourdes Catholic Church in Caldwell on the occasion of its 110th anniversary and the dedication of a Texas State Historical Marker.

**HR 364** (by Merritt), Congratulating Bob and Jeanine Coleman of Longview on their 50th wedding anniversary.

**HR 365** (by Merritt), Honoring Joe and Juanita Gibson of Longview on their 60th wedding anniversary.

**HR 366** (by Merritt), Honoring Bill and Nell Collins of Longview on their 50th wedding anniversary.

**HR 367** (by Merritt), Honoring Charles and Helen McBride of Longview on the occasion of their 55th wedding anniversary.

**HR 368** (by Quintanilla), Honoring Hector Delgado of El Paso on his 53rd birthday.

**HR 369** (by Quintanilla), Honoring Rafael Hernando III of El Paso for his service to his country and community.

**HR 371** (by Merritt), Honoring Molly and Billy Joe Bales of White Oak on the occasion of their 50th wedding anniversary.

**HR 372** (by Chavez), Commending Carmen S. Duarte for her service to the El Paso community.

**HR 373** (by Anchia), Congratulating William "Bill" F. Callejo and Aldelfa B. Callejo of Dallas on earning the Graciela Olivarez La Raza Award from the National Council of La Raza.

**HR 374** (by Merritt), Congratulating the Honorable Bill Ratliff on his receipt of the 2005 John F. Kennedy Profile in Courage Award.

**HR 376** (by Harper-Brown), Honoring Gerri and Mike Kunststadt of Irving on the occasion of their 30th wedding anniversary.

**HR 377** (by Alonzo and Naishtat), Honoring Gerald L. Davis of Austin on being named chair of the Goodwill Industries International, Inc., board of directors.

**HR 378** (by Peña), Honoring Delia Rodriguez Avila of Edinburg for her many contributions to the community.

**HR 380** (by Edwards), Honoring Pearlie Cooper for serving as Harris County Democratic Precinct Chair of precinct 31.

**HR 381** (by Edwards), Honoring Stella Nash for serving as Harris County Democratic Precinct Chair of precinct 68.

**HR 382** (by Edwards), Honoring James Brooks for serving as Harris County Democratic Precinct Chair of precinct 132.

**HR 383** (by Edwards), Honoring Yvette Calloway for serving as Harris County Democratic Precinct Chair of precinct 140.

**HR 384** (by Edwards), Honoring Willie Belle Boone for serving as Harris County Democratic Precinct Chair of precinct 158.

**HR 385** (by Edwards), Honoring Lawrence Clark for serving as Harris County Democratic Precinct Chair of precinct 180.

**HR 386** (by Edwards), Honoring Edna Russel for serving as Harris County Democratic Precinct Chair of precinct 219.

**HR 387** (by Edwards), Honoring Marshall York for serving as Harris County Democratic Precinct Chair of precinct 223.

**HR 388** (by Edwards), Honoring LaVersa Owens for serving as Harris County Democratic Precinct Chair of precinct 237.

**HR 389** (by Edwards), Honoring Robert Glover for serving as Harris County Democratic Precinct Chair of precinct 240.

**HR 390** (by Edwards), Honoring Nedzra Ward for serving as Harris County Democratic Precinct Chair of precinct 243.

**HR 391** (by Edwards), Honoring Bessie Swindle for serving as Harris County Democratic Precinct Chair of precinct 271.

**HR 392** (by Edwards), Honoring Thyra Banks for serving as Harris County Democratic Precinct Chair of precinct 276.

**HR 393** (by Edwards), Honoring Margaret Jenkins for serving as Harris County Democratic Precinct Chair of precinct 294.

**HR 394** (by Edwards), Honoring Edith Clark for serving as Harris County Democratic Precinct Chair of precinct 295.

**HR 395** (by Edwards), Honoring Doris Fears for serving as Harris County Democratic Precinct Chair of precinct 422.

**HR 396** (by Edwards), Honoring Helen Hudson for serving as Harris County Democratic Precinct Chair of precinct 542.

**HR 397** (by Edwards), Honoring Betty Smith for serving as Harris County Democratic Precinct Chair of precinct 564.

**HR 398** (by Edwards), Honoring Ollie Brooks for serving as Harris County Democratic Precinct Chair of precinct 573.

**HR 399** (by McCall), Honoring Bruce Luster of McKinney on his 75 years in the shoe shining business.

**HR 400** (by Hilderbran), Honoring Ross Snodgrass of Kerrville on this 102nd birthday.

**HR 401** (by Harper-Brown), Joining the citizens of Irving in paying tribute to the victims of the London subway and bus bombings of July 7, 2005.

**HR 402** (by Straus), Commending R. R. Witt for his 1976 Fourth of July address in Terrell Hills.

**HR 406** (by Callegari), Commending Steve Pierson of Katy on the occasion of his retirement from the Harris County Sheriff's Department.

**HR 409** (by Edwards), Honoring Linda Thompson for serving as a Harris County precinct chair for precinct 425.

**HR 410** (by Edwards), Honoring Curtis McDonald for serving as a Harris County precinct chair for precinct 685.

**HR 411** (by Edwards), Honoring Deandrea Woody for serving as a Harris County precinct chair for precinct 424.

**HR 412** (by Edwards), Honoring Alan Guttman for serving as a Harris County precinct chair for precinct 403.

**HR 413** (by Edwards), Honoring Morris Dante for serving as a Harris County precinct chair for precinct 315.

**HR 414** (by Edwards), Honoring Michael Maddi for serving as a Harris County precinct chair for precinct 314.

**HR 415** (by Edwards), Honoring Sheila Blake for serving as a Harris County precinct chair for precinct 291.

**HR 416** (by Edwards), Honoring Helen Viola for serving as a Harris County precinct chair for precinct 287.

**HR 417** (by Edwards), Honoring Thomas Lane for serving as a Harris County precinct chair for precinct 8.

**HR 418** (by Edwards), Honoring Almee Turney for serving as a Harris County precinct chair for precinct 14.

**HR 419** (by Edwards), Honoring Stephen Honore for serving as a Harris County precinct chair for precinct 17.

**HR 420** (by Edwards), Honoring Stephanie Twardowski for serving as a Harris County precinct chair for precinct 146.

**HR 421** (by Edwards), Honoring Debra Kerner for serving as a Harris County precinct chair for precinct 255.

**HR 422** (by Edwards), Honoring Mark Lee for serving as a Harris County precinct chair for precinct 281.

**HR 423** (by Edwards), Honoring Scherie Townes for serving as a Harris County precinct chair for precinct 284.

**HR 424** (by Edwards), Honoring Clara Caldwell for serving as a Harris County precinct chair for precinct 392.

**HR 425** (by Edwards), Honoring Ruby Randle for serving as a Harris County precinct chair for precinct 541.

**HR 428** (by Herrero), Commemorating the Mays family reunion on August 5-7, 2005, in Robstown and Corpus Christi.

**HR 429** (by Gallego), Honoring Nancy DeWitt of Alpine for her public service.

**HR 430** (by Gallego), Honoring Vidal "Vic" Torres for his longtime service with radio station KVLFF.

**HR 431** (by Olivo), Honoring the Basilian Father of Our Lady of Guadalupe Parish for their exceptional contributions to the community of Rosenberg.

**HCR 30** (by Harper-Brown), Honoring Steve McCullough of Irving on the occasion of his retirement as city manager.

The resolutions were adopted.

### **RESOLUTIONS ADOPTED**

Representative Edwards moved to suspend all necessary rules in order to take up and consider at this time **HR 362**, **HR 370**, **HR 379**, **HR 426**, and **HR 427**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 362** (by R. Cook), In memory of Dr. August J. A. Watzlavick of Schulenburg.

**HR 370** (by A. Allen), In memory of Melvin Donald Smith of Cleburne.

**HR 379** (by Peña), In memory of Nicolas Santos Palacios of Edinburg.

**HR 426** (by R. Cook), In memory of Alvin J. Grahmann.

**HR 427** (by Geren), In memory of Dewitt Dodson Harris of Wills Point.

The resolutions were unanimously adopted by a rising vote.

### **HR 431 - MOTION TO ADD NAMES**

On motion of Representative Olivo, the names of all the members of the house were added to **HR 431** as signers thereof.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Solis on motion of Uresti.

(Speaker in the chair)

### SB 62 - MOTION TO GRANT THE REQUEST OF THE SENATE

Representative Woolley moved that the house grant the request of the senate for the appointment of a conference committee on **SB 62**.

A record vote was requested.

The motion was lost by (Record 76): 40 Yeas, 91 Nays, 3 Present, not voting.

Yeas — Anchia; Bailey; Berman; Callegari; Crabb; Crownover; Davis, J.; Eissler; Goolsby; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hill; Hughes; Hunter; Hupp; Jackson; King, P.; King, T.; Krusee; Luna; Madden; McCall; McClendon; Miller; Morrison; Nixon; Orr; Otto; Paxton; Peña; Phillips; Rose; Smith, T.; Solomons; Strama; Swinford; Van Arsdale; Villarreal.

Nays — Allen, A.; Allen, R.; Alonzo; Anderson; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Campbell; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Corte; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Guillen; Haggerty; Hamilton; Hegar; Herrero; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Isett; Jones, D.; Keel; Kolkhorst; Kuempel; Laney; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Moreno, P.; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Smith, W.; Straus; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Veasey; Vo; West; Wong; Zedler.

Present, not voting — Mr. Speaker(C); Branch; Goodman.

Absent, Excused — Driver; Smithee; Solis.

Absent — Baxter; Chisum; Flynn; Geren; Hartnett; Hilderbran; Jones, J.; Keffer, B.; Keffer, J.; Laubenberg; Seaman; Woolley.

### STATEMENTS OF VOTE

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted no.

Baxter

When Record No. 76 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

When Record No. 76 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 76 was taken, I was temporarily out of the house chamber. I would have voted no.

Laubenberg

When Record No. 76 was taken, my vote failed to register. I would have voted yes.

Woolley

### REASON FOR VOTE

**HJR 19** by Rep. Corte, which was a constitutional amendment proposal, was the surest measure to counter the Supreme Court's decision in *Kelo v. City of New London* and effectively protect property owners in Texas from resultant potential threats to their property rights.

The Fifth Amendment of the United States Constitution provides an essential guarantee against the abuse of government's power of eminent domain by limiting the seizure of property to "public use". A slim majority of the U. S. Supreme Court removed that protection by concluding that public use could include "economic development," conceivably facilitating government seizure of private property from one owner for transfer by the government to another, more economically desirable, owner.

The Texas House of Representatives passed **HJR 19** and sent it to the senate, but the senate did not act on the measure and just set it aside. **SB 62** by Sen. Janek, an amendment to general law, was instead adopted by the senate and sent to the house. When it was received by the house, it was, in my opinion, a weak measure, but the house amended the bill and strengthened it in favor of the rights of property owners. However, the senate subsequently refused to concur in those house amendments to the bill.

When the bill was returned by the senate with their refusal to concur in the house changes, the house wisely declined to appoint a conference committee, the result of which placed the senate in the position of either reversing course and concurring in the version of **SB 62** as it had been amended by the house and originally received by the senate, or doing nothing and allowing the bill to die. By exercising its prerogative to do the latter, which I am certain it will do, the senate will ensure that neither **SB 62** nor **HJR 19** will be enacted in the 79th 1st Called session.

While I will be disappointed that we failed to attend to this vitally important topic in this first special session, I would rather that the legislature reserve another shot at the subject in another special session or in the next regular session, rather than have settled on a weak, watered-down version, as was being favored by the senate.

It is highly likely that the Governor will add this subject to the call of any upcoming special session, but should that not occur, the subject matter will undoubtedly be of major priority in the next regular session.

Keel, Campbell, Hilderbran

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Oliveira on motion of F. Brown.

### **HR 432 - ADOPTED (by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 432**.

The motion prevailed.

The following resolution was laid before the house:

**HR 432**, Honoring Jordan Grove Missionary Baptist Church on its 126th anniversary.

**HR 432** was adopted.

(Laubenberg now present)

### **PROVIDING FOR RECESS**

The speaker stated that, pending the receipt of messages from the senate, the house would stand recessed until 4:30 p.m. today.

### **RECESS**

In accordance with a previous motion, the house, at 4:29 p.m., recessed until 4:30 p.m. today.

### **AFTERNOON SESSION**

The house met at 4:30 p.m. and was called to order by the speaker.

### **CONSTITUTIONAL AMENDMENTS CALENDAR SENATE JOINT RESOLUTIONS SECOND READING**

The following resolutions were laid before the house and read second time:

### **SJR 13 ON SECOND READING (J. Keffer and Edwards - House Sponsors)**

**SJR 13**, A joint resolution proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes and providing for a corresponding adjustment of the limitation on the amount of ad valorem taxes that may be imposed for those purposes on the homesteads of certain persons.

(B. Cook in the chair)

**Amendment No. 1**

Representative Berman offered the following amendment to **SJR 13**:

Amend **SJR 13**, in SECTION 1 of the joint resolution, in amended Subsection (d), Section 1-b, Article VIII, Texas Constitution (house committee printing page 3, line 27), by striking "tax year in which the limitation took effect" and substituting "later of the 2005 tax year or the tax year in which the limitation took effect, as that limitation may have been increased in subsequent tax years or may be increased for the current tax year because of improvements as authorized by this subsection".

(Chisum in the chair)

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Bohac, Howard, Callegari, Wong, Nixon, W. Smith, Miller, Hope, Hamric, Elkins, Taylor, Van Arsdale, Talton, Leibowitz, Berman, and Crabb offered the following amendment to **SJR 13**:

Amend **SJR 13** (House Committee Printing) as follows:

(1) Insert the following appropriately numbered section and renumber the subsequent sections of the joint resolution accordingly:

SECTION \_\_. Subsection (i), Section 1, Article VIII, Texas Constitution, is amended to read as follows:

(i) Notwithstanding Subsections (a) and (b) of this section, the Legislature by general law may limit the maximum average annual percentage increase in the appraised value of residence homesteads for ad valorem tax purposes to five percent, or a greater percentage, in the case of a school district other than a junior college district, or 10 percent, or a greater percentage, in the case of any other political subdivision, for each year since the most recent tax appraisal. A limitation on appraisal increases authorized by this subsection:

(1) takes effect as to a residence homestead on the later of the effective date of the law imposing the limitation or January 1 of the tax year following the first tax year the owner qualifies the property for an exemption under Section 1-b of this article; and

(2) expires on January 1 of the first tax year that neither the owner of the property when the limitation took effect nor the owner's spouse or surviving spouse qualifies for an exemption under Section 1-b of this article.

(2) In SECTION 1 of the joint resolution, in added Subsection (h-1)(a), Section 1-b, Article VIII, Texas Constitution (page 4, line 23), strike "certain persons and increasing" and substitute "certain persons, increasing".

(3) In SECTION 1 of the joint resolution, in added Subsection (h-1)(a), Section 1-b, Article VIII, Texas Constitution (page 5, line 2), strike "took effect and" and substitute "took effect, and authorizing the legislature to adopt a limit of five percent or more on annual increases in the appraised value of a residence homestead for school district ad valorem tax purposes, and".

(4) In SECTION 2 of the joint resolution, in the ballot proposition (page 5, line 22), strike "exemption amount and increasing" and substitute "exemption amount, increasing".

(5) In SECTION 2 of the joint resolution, in the ballot proposition, between "took effect" and the period (page 6, line 1), insert ", and authorizing the legislature to adopt a limit of five percent or more on annual increases in the appraised value of a residence homestead for school district ad valorem tax purposes".

(Miller in the chair)

Amendment No. 2 was withdrawn.

### **Amendment No. 3**

Representative Coleman offered the following amendment to **SJR 13**:

Amend **SJR 13** as follows:

(1) On page 1, line 11, after the word "\$22,500", insert the words ", or a greater uniform amount as determined by the legislature by general law.";

(2) On page 5, strike lines 8 through 14 and insert the words "submitted to the voters at an election to be held November 8, 2005. The ballot for"; and

(3) On page 5, line 18, after the word "\$22,500", insert the words ", or a greater uniform amount as determined by the legislature by general law.".

Representative J. Keffer moved to table Amendment No. 3.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 3 and the vote was announced yeas 69, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 77): 67 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Hilderbran; Hill; Hope; Hupp; Jackson; Jones, D.; Keel; Keffer, J.; King, P.; Kuempel; Madden; McCall; Miller(C); Morrison; Mowery; Nixon; Orr; Otto; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Straus; Swinford; Talton; Truitt; Van Arsdale; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; King, T.; Laney; Laubenberg; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Moreno, P.; Naishtat; Noriega, M.; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; West.

Present, not voting — Mr. Speaker; Bailey.

Absent, Excused — Driver; Oliveira; Smithee; Solis.

Absent — Casteel; Chavez; Farabee; Flores; Haggerty; Hartnett; Howard; Isett; Jones, J.; Keffer, B.; Kolkhorst; Krusee; Menendez; Merritt; Solomons; Taylor.

(Speaker in the chair)

The speaker stated that the motion to table Amendment No. 3 prevailed by the above vote.

### **STATEMENT OF VOTE**

I was shown voting yes on Record No. 77. I intended to vote no.

Hilderbran

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Casteel on motion of Griggs.

Farabee on motion of Homer.

Flores on motion of McClendon.

J. Jones on motion of Y. Davis.

Menendez on motion of Homer.

Taylor on motion of Crownover.

The following members were granted leaves of absence for the remainder of today because of important business:

Chavez on motion of Castro.

Haggerty on motion of Truitt.

B. Keffer on motion of Nixon.

Merritt on motion of Kuempel.

The following member was granted leave of absence for the remainder of today because of family business:

Kolkhorst on motion of Geren.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Solomons on motion of Denny.

**SJR 13 - (consideration continued)****Amendment No. 4**

Representative Gallego offered the following amendment to **SJR 13**:

Amend **SJR 13** (House Committee Printing) as follows:

(1) In SECTION 1 of the joint resolution, in amended Subsection (c), Section 1-b, Article VIII, Texas Constitution (page 1, line 11), strike "\$22,500" and substitute "\$45,000".

(2) In SECTION 1 of the joint resolution, in amended Subsection (d), Section 1-b, Article VIII, Texas Constitution (page 4, line 13), strike "\$7,500" and substitute "\$30,000".

(3) In SECTION 2 of the joint resolution (page 5, line 18), strike "\$22,500" and substitute "\$45,000".

Representative J. Keffer moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 78): 68 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hegar; Hill; Hope; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, J.; King, P.; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Riddle; Seaman; Smith, T.; Smith, W.; Straus; Swinford; Talton; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Bailey.

Absent, Excused — Casteel; Chavez; Driver; Farabee; Flores; Haggerty; Jones, J.; Keffer, B.; Kolkhorst; Menendez; Merritt; Oliveira; Smithee; Solis; Solomons; Taylor.

Absent — Corte; Hartnett; Hilderbran; Howard; Hughes; Krusee.

**STATEMENT OF VOTE**

When Record No. 78 was taken, my vote failed to register. I would have voted no.

Hilderbran

**Amendment No. 5**

Representative Martinez Fischer offered the following amendment to **SJR 13**:

Amend **SJR 13** (House Committee Printing) as follows:

(1) In SECTION 1 of the joint resolution, in amended Subsection (c), Section 1-b, Article VIII, Texas Constitution (page 1, line 11), strike "\$22,500" and substitute "\$30,000".

(2) In SECTION 1 of the joint resolution, in amended Subsection (d), Section 1-b, Article VIII, Texas Constitution (page 4, line 13), strike "\$7,500" and substitute "\$15,000".

(3) In SECTION 2 of the joint resolution (page 5, line 18), strike "\$22,500" and substitute "\$30,000".

Representative J. Keffer moved to table Amendment No. 5.

A record vote was requested.

The motion to table prevailed by (Record 79): 68 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hegar; Hill; Hope; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, J.; King, P.; Kuempel; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Pitts; Riddle; Seaman; Smith, T.; Smith, W.; Straus; Swinford; Talton; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Guillen; Hamilton; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Casteel; Chavez; Driver; Farabee; Flores; Haggerty; Jones, J.; Keffer, B.; Kolkhorst; Menendez; Merritt; Oliveira; Smithee; Solis; Solomons; Taylor.

Absent — Hartnett; Howard; Hughes; Krusee; Reyna.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Hartnett on motion of Hamric.

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

**SJR 13 - (consideration continued)****Amendment No. 6**

Representative Berman offered the following amendment to **SJR 13**:

Amend **SJR 13** (House Committee Printing) as follows:

(1) In SECTION 1 of the joint resolution, in added Subsection (h-1)(a), Section 1-b, Article VIII, Texas Constitution (page 5, line 2), strike "tax year in which the limitation took effect" and substitute "later of the 2005 tax year or the tax year in which the limitation took effect, subject to increases for improvements,".

(2) In SECTION 2 of the joint resolution, in the ballot proposition (page 6, line 1), strike "tax year in which the limitation took effect" and substitute "later of the 2005 tax year or the tax year in which the limitation took effect, subject to increases for improvements".

Amendment No. 6 was adopted.

**SJR 13 - REMARKS BY REPRESENTATIVE EILAND**

Mr. Speaker, members, just real quick—I think one thing I need to clarify here is that it does not take 76 votes to pass this bill to tomorrow for third reading. It takes a majority of the people here present and voting. I just want to explain what I'm going to do. I'm going to vote a white light, because I want to wait and see what **HB 3** looks like, if there is a **HB 3**.

My concern is—usually in the enabling legislation, whenever we do something like this, we have a hold harmless for our school districts and in this constitutional amendment, there is a hit to school districts of \$625 million in the year 2007. The next year that hit shifts to the state of the like amount. So what I don't know and what we haven't been told, that if there is a **HB 3** that there is language that would hold our school districts harmless. That's the first thing I want to see, so that's one reason I'm going to vote a white light. I hope it passes to tomorrow so that I can see **HB 3** and vote for this constitutional amendment. Because, I've already voted, like many of you, several times to raise the homestead exemption to \$45,000; I voted to raise it to \$30,000; if \$22,500 is the most and the best that we can do this session, then I'll vote for that. But I want to make sure that my school districts don't pay for that—that the state pays for that.

And that's why I'm going to vote for a white light and hope that we have enough people vote a green light to make it to tomorrow's voting so we can take a look at **HB 3** to ensure and be safe in those assumptions. And so, for those reasons, I appreciate Mr. Keffer bringing the bill to us, but I really want to see **HB 3** since this bill passing is contingent upon **HB 3** and **HB 3** is the enabling legislation for this. I would hate to have a good constitutional amendment and a bad enabling legislation and go home and get blamed for raising something on

my school districts which I didn't know I was doing. So for that reason I hope a majority of you vote yes, but I'm going to vote white and wait until tomorrow until I have more information on the enabling legislation.

A record vote was requested.

**SJR 13**, as amended, was passed to third reading by (Record 80): 78 Yeas, 0 Nays, 47 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Edwards; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Keffer, J.; King, P.; Kuempel; Laubenberg; Luna; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Raymond; Reyna; Riddle; Rose; Smith, T.; Smith, W.; Strama; Straus; Swinford; Talton; Van Arsdale; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dutton; Escobar; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Herrero; Hodge; Homer; Hopson; Jackson; Keel; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Moreno, P.; Naishtat; Noriega, M.; Olivo; Puente; Quintanilla; Ritter; Rodriguez; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo.

Absent, Excused — Casteel; Chavez; Driver; Farabee; Flores; Haggerty; Hartnett; Jones, J.; Keffer, B.; Kolkhorst; Menendez; Merritt; Oliveira; Smithee; Solis; Solomons; Taylor.

Absent — Dunnam; Eiland; Guillen; Hochberg; Howard; Krusee; Seaman.

### STATEMENTS OF VOTE

When Record No. 80 was taken, my vote failed to register. I would have voted present, not voting.

Dunnam

When Record No. 80 was taken, my vote failed to register. I would have voted present, not voting.

Eiland

When Record No. 80 was taken, my vote failed to register. I would have voted present, not voting.

Guillen

When Record No. 80 was taken, my vote failed to register. I would have voted present, not voting.

Hochberg

When Record No. 80 was taken, I was excused because of important business. I would have voted yes.

Merritt

### REASONS FOR VOTE

We support and have consistently voted for concrete, definite increases in the homestead exemption. In fact, we are on record supporting an increase in the homestead exemption to \$45,000. However, we vote "present, not voting" on **SJR 13** for several reasons. First, the resolution in its current form contains language that would create difficulties for senior citizens and persons with disabilities. The language regarding a freeze on property taxes for these individuals does not do what it is intended to do. Second, **SJR 13** is inextricably linked to **HB 3**. These two pieces of legislation must be read together since they go hand in hand. However, there is as of yet no agreement on the language of **HB 3**. A vote on **SJR 13** is premature until the details of **HB 3** become publicly known.

A. Allen, Alonzo, Anchia, Burnam, Castro, Coleman, Y. Davis, Deshotel, Dunnam, Dutton, Eiland, Escobar, Farrar, Frost, Gallego, Giddings, Gonzales, Gonzalez Toureilles, Herrero, Hochberg, Hodge, Leibowitz, Martinez, Martinez Fischer, McClendon, McReynolds, P. Moreno, Naishtat, M. Noriega, Olivo, Puente, Rodriguez, Thompson, Turner, Uresti, Veasey, Vo

Since I was sworn into office in January, I have been committed to passing significant property tax relief for the citizens of District 117. I offered legislation to lower the property tax rate from \$1.50 to \$1.00 per \$100 valuation and to place a 3% cap on annual increases on the appraisals of residential homesteads. I also voted for the Hochberg Amendment to **HB 2** which would have lowered the property tax rate, tripled the homestead exemption to \$45,000, and still provided more money for education. Unfortunately, this amendment lost by one vote on the house floor.

I believe that a broad-based business tax is an essential component to financing a large property tax cut, and at the start of the year, state leaders also supported this approach. Unfortunately, the approach taken during this special session was to finance a property tax cut for all types of property by raising taxes on consumers.

Although I was present, I decided not to vote for or against **SJR 13** because the enabling legislation for this resolution was not available for me to review and this resolution would not provide significant property tax relief to my constituents. Although the small increase in the homestead exemption will bring some tax relief, the increase proposed in **SJR 13** will not offset the tax increases for low and middle-income Texans in **HB 3** brought about by expanding and increasing the sales tax rate to the highest in the nation.

Leibowitz

(J. Keffer in the chair)

**HR 437 - ADOPTED**  
**(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 437**.

The motion prevailed.

The following resolution was laid before the house:

**HR 437**, Honoring Janet McAfee Scott of Dallas for her service as an educator.

**HR 437** was adopted.

**HR 435 - ADOPTED**  
**(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 435**.

The motion prevailed.

The following resolution was laid before the house:

**HR 435**, Extending heartiest congratulations to Mr. and Mrs. Williams on their 50th wedding anniversary.

**HR 435** was adopted.

**REMARKS ORDERED PRINTED**

Representative Martinez Fischer moved to print closing remarks on **SJR 13** by Representative Eiland.

The motion prevailed.

**HR 436 - ADOPTED**  
**(by B. Cook)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 436**.

The motion prevailed.

The following resolution was laid before the house:

**HR 436**, In memory of Joe Hashop of Corsicana.

**HR 436** was unanimously adopted by a rising vote.

(Speaker in the chair)

**ADJOURNMENT**

The speaker stated that the house would adjourn until 1 p.m. tomorrow.

The house accordingly, at 6:46 p.m., adjourned until 1 p.m. tomorrow.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 4**

**HCR 13, HCR 15, HCR 16, HCR 17, HCR 20, HCR 24, HCR 25, HCR 27, HCR 28, HCR 29**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, July 19, 2005

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 19** Craddick SPONSOR: Seliger  
In memory of Patricia Warren Innerarity of Midland.

**HCR 23** Craddick SPONSOR: Seliger  
In memory of Ralph H. Viney of Midland.

**HCR 30** Harper-Brown SPONSOR: Shapiro  
Honoring Steve McCullough of Irving on the occasion of his retirement as city manager.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, July 19, 2005 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 1** Pitts SPONSOR: Ogden  
Appropriating money for the support of state government.  
(COMMITTEE SUBSTITUTE/AMENDED)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**July 18**

Ways and Means - **SJR 13**

**ENGROSSED**

**July 18 - HJR 24**

**ENROLLED**

**July 18 - HCR 13, HCR 25**

